



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application:

Serial No.: 10/008,393
Inventor: Kevin B. Tucek
Invention: Hand-Held Laser Light Generator Device
Reissue Application Filed: 11/06/2001
Original Patent Number: 6,013,096
Atty Docket No.: 206-004

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This supplemental information disclosure statement is filed pursuant to 37 CFR §1.97. It was filed after the first office action but before a notice of allowance. Therefore, a fee under 1.17(p) is enclosed with form PTO/SB/08A and copies of the disclosed documents.

As with a previous submission dated December 23, 2002, the materials submitted herein are in response to a court document¹ submitted by the defendant in *Erchonia Medical Inc, et al v. Smith, et al*, Case No. 02-CIV-2036, U.S. District Court, District of Arizona. The defendant alleges that the following prior art is material to the validity of the patent. Applicant disputes that that prior art is material to the validity of the patent, which is why Applicant did not submit it when first learned of it on or about March 3, 2003, but now discloses the prior art to avoid the risk of further allegations that there was intent to deceive the Patent Office.

As to the documents submitted in German, pursuant to 37 CFR §1.98 (a)(3)(ii), an English language translation is not provided because Applicant is not in possession,

¹ Robert E. Moroney and Robert E Moroney, LLC's Bench Memorandum Re: Effect of Reissue Application for U.S. Patent 6,013,096 dated July 28, 2006.

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custody, or control of such translation, nor is such translation readily available to any individual designated §1.56(c). Defendants have not disclosed any English-language translation.²

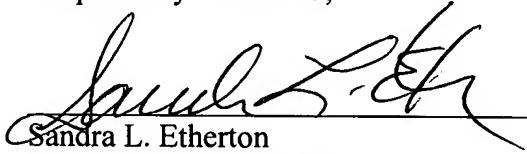
Furthermore, because Applicant does not know the origin of these documents, Application cannot attest to their publication dates or other information normally listed on an information disclosure statement. For the purposes of form PTO/SB/08A, Applicant assumes that the date listed on any document is the publication date, but reserves the right to challenge such date listed thereon.

Finally, as to the court documents submitted relating to claim construction, all assertions made by Applicant during litigation are consistent with those made to the Examiner during prosecution. Therefore, Applicant does not believe they are material under 2001.06(c). However, despite the Office's express desire not to receive "voluminous litigation materials which are not relevant to the Office's consideration for the reissue application," as explained in MPEP §1442.04, Applicant submits these herein to avoid the risk of further allegations that there was intent to deceive the Patent Office.

Date:

8/10/2006

Respectfully submitted,


Sandra L. Etherton
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² Applicant cannot explain how defendant alleges the German references are material if no English-language translation is provided, since, upon information and belief, neither defendants nor their representatives read or speak German to a technical proficiency.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of

2

Complete if Known

Application Number 10/008393

Filing Date 11-06-2001

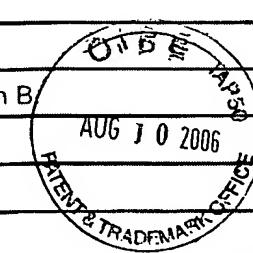
First Named Inventor TUCEK, Kevin B.

Art Unit

Examiner Name

AUG 10 2006

Attorney Docket Number 206-004



NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	UNKNOWN, "MED-2000," date, publisher, location all UNKNOWN. Disclosed as pp.2-3 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S Pat. No. 6,013,096	
	2	UNKNOWN, "Laser gegen Arthrose," press release, 08-1993, publisher and location UNKNOWN. Disclosed as p.4 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S Pat. No. 6,013,096	
	3	UNKNOWN, "Alpha Laser 2000," date, publisher, location all UNKNOWN. Disclosed as pp.5-6 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S Pat. No. 6,013,096	
	4	UNKNOWN, "Laser Fights Arthrosis," press release, 08-1993, publisher,location UNKNOWN. Disclosed as p.7 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S Pat. No. 6,013,096	
	5	"Therapy Laser," International Hospital Equipment, Belgium, page,date UNKNOWN Disclosed as p.8 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S Pat. No. 6,013,096	
	6	Free Sales Certificate, Office Intercantonal de Controle des Medicaments, Switzerland, 09-1993. Disclosed as p.9 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. No. 6,013,096	
	7	UNKNOWN, "MED-2000," 03-1994, publisher,location UNKNOWN. Disclosed as p.10 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. No. 6,013, 096	
	8	UNKNOWN, "The Product," date, publisher, location all UNKNOWN. Disclosed as p.11 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. No. 6,013, 096	
	9	"Therapy Laser," International Hospital Equipment, 01-1994, page, location UNKNOWN. Disclosed as p.12 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. No. 6,013, 096	
	10	"Therapy Laser," International Hospital Equipment, 01-1994, page, location UNKNOWN. Disclosed as p.13 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. No. 6,013, 096	

Examiner Signature	Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/008393
				Filing Date	11-06-2001
				First Named Inventor	TUCEK, Kevin B.
				Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	206-004

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	11	ROSSETTO, Matteo, "Low-Level-Laser-Therapie," Sonderdruck, Summer 1997 issue, page,publisher, location UNKNOWN. Disclosed as pp.14-16 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat 6,013,096		
	12	UNKNOWN, "LasoTronic," Sonderdruck, Summer 1997 issue, page,publisher,location UNKNOWN. Disclosed as p.17 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat 6,013,096		
	13	"Betriebsanleitung MED-2000," User's Manual, 09-1995, LasoTronic GK, publisher, location UNKNOWN. Disclosed as pp.18-44 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat 6,013,096		
	14	UNKNOWN document, Swiss Electrotechnical Assoc., 08-1993, Switzerland. Disclosed as p.45 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. No. 6,013,096		
	15	UNKNOWN document, Staatl Gewerbeaufsichtsamt Stuttgart, 10-1994, Germany. Disclosed as p.46 of Exhibit 2 of Bench Memorandum Re: Effect of Reissue Application for U.S. Pat. 6,013,096		
	16	Erchonia Medical Inc.'s and Kevin Tucek's Brief Re Patent Claim Construction, Erchonia Medical Inc. v. Smith, 04-25-2005, Case No.: CIV 20-2036-PHX-MHM.		
	17	Special Master's Draft Report and Recommendation on Claim Construction, Erchonia Medical Inc. v. Smith, 01-10-2006, Case No.: CIV 02-2036-PHX-MHM.		
	18	Order Construing Patent Claim Terms, Erchonia Medical Inc. v. Smith, 06-08-2006, Case No.: CIV 02-2036-PHX-MHM.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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